



Minutes NV COMMUNICATIONS STEERING COMMITTEE

DATE	November 1, 2005
TIME	1:30 PM
LOCATION	401 South Carson – Carson City 555 East Washington – Las Vegas
RECORDER	Maggie Thorne

ATTENDANCE

Carson City Members	Present	Las Vegas Members	Present
Terry Savage, Co-Chair, DoIT	✓	Jack Staley, Co-Chair , LV Water Dist.	
Robert Chisel, NDOT	✓	Dennis Cobb, LV Metro Police	✓
Neil Harris, Elko Cty Sheriff's Office	✓	Anthony DeMeo, Nye County	
Mark Foxen, NV Health Division	✓	Rod Massey, Clark County	✓
Kay Scherer, Dept of CNR	✓	Ronda Hornbeck, Lincoln Cty	
Major Bob Wideman, DPS	✓	Louis Amell, City of LV Fire Dept	✓
Adam Garcia, Police, UNR	✓	Greg Marchio, US Secret Service	
Jake Conely, Sparks Fire Dept	✓	Theodore Quasula, LV Paiute Tribe	✓
Dan Newell, City of Yerington	✓	Bob Fisher, NV Broadcasters Assn.	✓
James Johns, Reno Police Dept	✓		
Chris Lake, NV Hospital Association			
Dan Holler, Douglas County	✓		
Pete Menicucci, NV Nat'l Guard	✓		

Staff

Name	Present	Name	Present
Mark Blomstrom, DoIT	✓	Glade Myler, Legal Counsel	✓
Maggie Thorne, DoIT	✓		

I. CALL TO ORDER

Terry Savage called the meeting to order at 1:30 pm.

II ROLL CALL/MINUTES

The roll call was conducted by Maggie Thorne. Present: 17 members, 0 alternates.

Absent: 5. Mark Blomstrom indicated that Tony DeMeo would not be at this meeting nor would he be at the December meeting.

The minutes from the 08/23/05 were reviewed. **A motion was made and seconded to approve the minutes as presented. Motion carried.**

III.

NCSC PROCEDURES

Review of Open Meeting Laws

Glade Myler discussed the various points of the Open Meeting Laws, though he indicated he would not be able to cover all of them, but provided the main points. The philosophy behind the Law is to make all public meetings of public bodies where decisions and deliberations are going to take place which may affect public, these meetings must be accessible to the public for their input and their right to know and that is versus keeping things from them. There are few occasions in which there are closed meetings. Under NRs421.015 subsection 3, it gives a definition of public body and that definition is: Any administrative, advisory, executive or legislative body of the State or local government which expends or disburses, or, is supported in whole or in part by tax revenue, or, which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue. Glade added that the definition is very broad and covers every body. By that definition, since this body (NCSC) makes recommendations to the Homeland Security Commission and to other Commissions, it is a public body and for that reason we need to publish all the time our meetings. Glade mention that « working groups »(being exempt from open meetings laws) gives him a little heartburn because many times those working groups are working towards deliberations and decisions and if they are doing that to a public body then they would have to have their meetings open. **Glade added that if there are any questions with regards to whether a meeting falls under the laws that it should be discussed with legal counsel first.** Other guidelines to follow for open meetings laws included:

1. Notification of meeting to be posted no later than 9 AM 3 working days prior to the meeting date. Note: The day of the meeting is not in that 3 day count.
2. Notices must be published in 4 places; one is the main office of the Committee and/or the building where the meeting will be held. The other places would be prominent places within the jurisdiction of the public body such as the Library, City Hall, and LCB.
3. Published on the website if the entity has a website.
4. Agendas must be clear and complete so that a lay person will understand what is being discussed. Public Comment must be present on all agendas. Adjournments only need a motion – a second is not necessary.
5. The notice must include the date, name of the meeting, agenda and who to contact if they would need more information.
6. Telephone conference call meetings – permissible, but again must be published and have a central point where anyone can come and listen to the conversations.
7. Polling members on the telephone towards a decision is not allowed, same thing with a mail poll.
8. The AG office makes decisions on violations and looks at the intent of the body.

Glade complimented Maggie Thorne for doing such a great job with this Committee. Some committees he indicated he has to tell them every time, but most are getting the idea, but this Committee works well.

Review of Homeland Security adopted by-laws

Terry mentioned that rather than NCSC be structured as a formal committee of HSC, it would give NCSC more flexibility on how we were organized if NCSC were designated as an advisory group and that was the actual command NCSC received from Dr. Carrison at their last meeting. Glade mentioned that it would be illegal for NCSC to be considered a committee of the HSC right now – HCS did try to get the law changed where NCSC could

have non-members of the Commission part of NCSC but it did not happen – it did not pass, they changed the wording at the last minute. So, it needs to be tried again at the next session. Terry said he thought it had passed, but agreed that not having it passed gives NCSC more flexibility. Robert Chisel asked Glade to repeat what we (NCSC) are as a Committee? Glade responded by saying that NCSC is functioning under a mandate from the Governor and from FCC (from what Terry tells me). FCC has mandated that every state have one of these Committees. Mark Blomstrom said that separate from the Region 27 group, FCC has required relative to the 700 MHz spectrum license that the Governor appoint a spectrum administrator for the state, which our governor has done. That spectrum administrator is the state CIO and is Terry Savage. Secondly there be a state interoperability executive committee (SIEC) formed under the spectrum administrator and that that body be responsible for the development of a plan for the 700 MHz. Robert Chisel commented that he did not believe that was correct, because he believed Region 27 has the authority for the 700 MHz plan. Mark responded that there is a requirement for both of those. Robert added he believes Region 27 has the authority to say who is going to be the administrator of the 700 MHz plan. Mark said it was his understanding that as to the development of a 700 MHz plan there are two pieces – a state piece (issuance of a license). Robert said he believes NCSC needs some clarification from the FCC as to what our authority is because he feels he is confused and doesn't believe NCSC has any authority over the 700 MHz. **Terry asked that we take that discussion offline and discuss with Glade (legal counsel) and come back to this Committee with an answer for the whole group to consider. The Committee requested that when Terry brings this issue back to the Committee that members be given supporting documentation (from both FCC and whatever else we need to be looking at.) Terry agreed he would provide a packet for everyone.**

Terry asked about the weighted voting issue. Glade mentioned he looked into that pretty extensively with researchers at the Attorney General's office. There was one case they did find that indicated voting is not permitted unless the legislation for that Committee provides for it. It wasn't real clear that was basically what it said. Glade ran the weighted voting issue by Randy Munn (first assistant AG) and Jim Spencer (2nd assistant AG) and they did not recommend weighted voting because it must be approved by a legislative body and I checked with the Section of Commissions and Committees and they gave me the same opinion – so weighted voting would not be allowed in this Committee unless it was statutorily approved. Terry asked if an Executive Body had an Executive Order for weighted voting if that would be okay. Glade assumed that would be okay – the assumption is that every member that is appointed to any Committee in the state has one vote, that's the underlined assumption. Terry said the Committee needs to decide if they want to have weighted voting and if so he would send a request to the Governor's office for his decision.

Glade also added that it would not be possible for NCSC to consider themselves some kind of adjunct to the HSC – HSC has called upon NCSC as a body to advise on interoperability and that's basically it. HSC is the advisory to the Governor and NCSC is advising HSC, but you are not an official committee of HSC. I can defend this kind of committee on the principle that you are put together defacto and functioning as defacto committee of the State and are doing reasonable things. Defacto meaning together you are functioning, but de jour (by law) you are not a committee, but as long as you function reasonably I can't see a court slapping your hands. You are legitimate through the Governor.

Terry said he wanted to talk about the voting issue and last time weighted voting was what the committee wanted to do – so he asked for a vote. The results were as follows:

(Responses were either 1 vote, weighted voting or a combination of both)

Before the vote was taken, Jim Johns pointed out that the Chair was out of order with the agenda. Terry pointed out that the first line of the agenda indicates that possible action items and times of agenda items may be subject to objection.

<u>Abstaining</u>	<u>Combination Vote</u>	<u>One Vote</u>
R. Chisel	L. Amell	Jake Conely
T. Savage	Dennis Cobb	Mark Foxen
Bob Wideman	Bob Fisher	Adam Garcia
	Jim Johns	Neil Harris
	Rod Massey	Dan Holler
	Pete Menicucci	Dan Newell
	Theodore Quasula	Kay Scherer

3 Abstained

7 – Combination

7 – One Vote

Jim Johns recommended that the Chair create a sub-committee to deal with this.

Discussion on NCSC By-Laws

Terry asked for volunteers to work on a by-laws committee: The following accepted:

Robert Chisel
Rod Massey (designated Chair)
Terry Savage
Dennis Cobb
Adam Garcia

Terry requested that Maggie set up a meeting of this sub-committee for teleconferencing before the next NCSC meeting. A full report of that meeting will be discussed at the December NCSC meeting.

IV. SAFECOM Report

Dr. Boyd indicated that in working with Nevada, he has been very impressed with the work NCSC has done. He indicated he has been bragging about Nevada as one of the pilot models with other states.

He summarized the Strategic Recommendations that were distributed in the report distributed to all NCSC members and participants of the Strategic Planning Session. Preparation of the Recommendation Report is a milestone for Nevada. Dr. Boyd offered his assistance in assisting Nevada to move forward with the initiatives outlined in the report.

Dr. Boyd said he would continue work for Nevada by assisting in the preparation of the governance approach to structure the process, suggest a detail approach for securing funding including identifying sources NV can go after for securing grants and develop a best practices report on a request for proposal development, as well as help with implementation.

Terry asked that members review the Report and be able to discuss and decide which way the Committee would like to continue at the next meeting.

V. Department of Energy proposal

Randall Minyard from the Department of Energy presented a proposal to the NCSC to have the NNSA Federal Trunked Radio System added as a Core System for interoperability in the State of Nevada Communications Interoperability Plan. He indicated that this would open up a gateway for other Federal entities using P25 capable radios which will be compliant with other state and local governments. This proposal will allow a single gateway to the "virtual" system for all Federal entities operating in Federal Frequency bands in Southern Nevada that are different from what the State and local systems use. Randall shared insight to the entire NNSA System and indicated that the Department of Energy very much wants to partner with the State of Nevada and finally have the ability to legally accomplish it. David Ross who works at the Nevada Site office will be the main contact for coordination.

Their system coverage includes Angel Peak (Vegas and highway 95) although their system is a little weak in Henderson. Randall shared a map of their sites with the Vegas NCSC Members. Frequency band is 406-420 UHF. It is a Astro P25 band (not fully compliant P25 band). Strictly digital. Jim Johns asked if they had met with any of the other Core Fore parties and if so have they developed a written plan that details the intended impact on service (will it add queues, reduce queues, and show benefits)? Randall said they hadn't spoken to anyone else – that meeting and presenting the proposal to NCSC was their first step. Rod Massey thanked DOE for appearing at the meeting and showed appreciation for their collaborating spirit and NCSC is very interested in pursuing a partnership. Terry seconded that opinion and asked that Randall get with Jim Wilson who chairs the NCSC Technical Sub-Committee and also with the operators with the existing Core Four Systems to start working on how a patch may be affective. **Randall Minyard was asked to get information to Maggie Thorne so that she could distributed it NCSC members and that NCSC would keep this item on the agenda for further discussion.**

It was also agreed that since the Technical sub-committee hasn't been active for a while, Terry said he would work with Jim Wilson to see that committee members are updated.

VII. PUBLIC COMMENT

None given.

VIII. ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 3:00 pm. Next meeting date: December 6, 2005

Minutes are posted on the website at: <http://ncsc.nv.gov/>
Questions Call: 775-684-5859 or email maggiet@doit.state.nv.us

Draft minutes submitted by Maggie Thorne, 11/04/05

APPROVED: _____ DATE: _____